

## REMARKS

Favorable reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

### Claims Status

Claims 1 through 5 remain pending in the application. Claims 1 through 5 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been added. Claim 1 is the only independent claim pending in the application.

### Art Rejection

Claims 1 through 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Document No. 2000-66500 (Notani, et al.).

The rationale underlying the rejection is succinctly set forth in the Official Action.

### Response to Art Rejection

The rejection is respectfully traversed.

Amended Claim 1 calls for an image forming apparatus that includes an image bearing member on which an electrostatic image is formed; a developing device, which develops the electrostatic image in a developing position, which is opposite to the image bearing member, the developing device including a developing container having a first chamber and a second chamber constituting a developer circulating route, a developer carrying member provided in the first chamber for carrying the developer to develop the electrostatic image, and an agitating and carrying member provided in the second chamber and having a spiral vane provided around a rotary shaft to agitate and carrying the

developer; a rotary member holding the developing device and rotatable in a route including the developing position; supplying means for supplying the developer to the developing device, which is in the developing position; an opening, provided above an upper end of the spiral vane of said agitating and carrying member in the second chamber in a state in which the developing device is in the developing position, for discharging excess developer resulting from the supply of the by the supplying means through the opening to an outside of the developing device. Amended Claim 1 also calls for an agitation promotion portion, provided on the rotary shaft of said agitating and carrying member in a vicinity of the opening, for agitating the developer.

The agitation promotion portion, which is discussed at least at page 20, lines 13 through 20 of the specification, may be in the form of plate 73. See Figure 4. This additional feature ensures that the developer is sufficiently agitated and avoids problems when the developer is not sufficiently agitated such that a stable discharge may not be possible. See also pages 22, line 17 through page 23, line 23 of the specification.

Notani, et al. discloses an image forming apparatus including a developing device held by a rotary member. The developing device includes a first chamber and a second chamber. The second chamber is provided with an agitating and carrying member R2 and an opening through which excess developer is discharged. The agitating and carrying member R2 has a spiral vane R2b provided around a rotary shaft R2a.

Although Notani, et al. discloses a spiral vane on a rotary shaft, Notani, et al. does not disclose or suggest the additional feature of “an agitation promoting portion, provided on said rotary shaft of said agitating and carrying member in a vicinity of said opening, for agitating the developer” as recited in amended Claim 1.

Accordingly, Notani, et al. does not disclose or suggest an expressly-claimed feature recited in amended Claim 1 and does not anticipate the claimed invention.

Dependent Claims

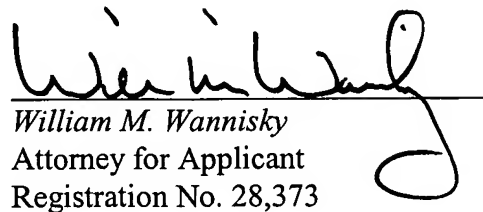
Claims 2 through 5 depend either directly or indirectly from Claim 1 and are allowable by virtue of their dependency and in their own right for further defining Applicant's invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

  
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